

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Fynale Barnwell and Shavell Barnwell,
Individually, and as natural parents and
Guardians of, M.B. a Minor Child,

Plaintiffs,

v.

Lexington School District One, GERRITA
POSTLEWAIT, in her individual capacity,
NICOLE LIVINGSTON, in her individual
capacity, JACOB SMITH, in his individual
capacity, and South Carolina Department
of Education,

Defendants.

C/A No.: 3:23-cv-583-SAL

**DISTRICT DEFENDANTS’
ANSWERS TO LOCAL RULE
26.01 (DSC) INTERROGATORIES**

Defendants Lexington County School District One (the “District”), and Defendants Gerrita Postlewait, Nicole Livingston, and Jacob Smith, in their individual capacities (the “Individual Defendants”) (collectively, the “District Defendants”), by and through their undersigned counsel, hereby submit their answers to Local Civil Rule 26.01 D.S.C. Interrogatories as follows:

A. State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

ANSWER: None.

B. As to each claim, state whether it should be tried jury or nonjury and why.

ANSWER: In response to the Plaintiffs’ Summons and Complaint, the District Defendants have filed a Motion to Dismiss pursuant to Fed. R. Civ. P. Rule 12(b)(6), the Eleventh Amendment, and other grounds. In the event the Motion is not granted, these Defendants request a jury trial.

C. State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company of which it is a parent, subsidiary,

partner, or affiliate; (2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

ANSWER: The Defendant District is a public school district. The Individual Defendants are employees of the Defendant District. None are publicly-owned companies.

D. State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

ANSWER: In response to the Plaintiffs' Summons and Complaint, the District Defendants have filed a Motion to Dismiss pursuant to Fed. R. Civ. P. Rule 12(b)(6), the Eleventh Amendment, and other grounds. In the event the Motion is not granted, the District Defendants do not contest the filing of this case in this division.

E. Is the action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

ANSWER: The District Defendants are not aware of any other matter filed in this District to which this action is related.

F. [Defendants only.] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

ANSWER: In response to the Plaintiffs' Summons and Complaint, the District Defendants have filed a Motion to Dismiss pursuant to Fed. R. Civ. P. Rule 12(b)(6), the Eleventh Amendment, and other grounds. For the purposes of identification, the District is most properly identified as Lexington County School District One. The Individual

Defendants are properly identified in the caption. Counsel will accept service of an amended pleading.

G. [Defendants only.] If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

ANSWER: None.

Respectfully submitted:

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March 15, 2023
Columbia, South Carolina